XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P.1994/.. **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	PETITIONER:	Shobit Ram Dimar, S/o Jhumuklal, aged about 38 years, resident of village Gurur, P.S. Gurur, District: Durg, Chhattisgarh.
		Versus
	RESPONDENTS:	1. State of Chhattisgarh, Through Secretary Home Department, Office situated at Secretariate Raipur, Chhattisgarh. 2. Collector, Durg, Office situated at Durg, District: Durg, Chhattisgarh. 3. Sub Divisional Magistrate, Balod, Office situated at Balod, District: Durg, Chhattisgarh. 4. Station House Officer, P.S. Gurur, Tahsil Gurur, District: Durg, Chhattisgarh.
	22-3-2007:-	
	Shri N.S. Dhurandhar, Advocate for the petitioner. Shri U.N.S. Deo, Govt. Advocate for the State/respondents. The petitioner has preferred this writ petition questioning legality of the orders Annexures A-1, A-4 and A-5 whereby a complaint against the petitioner has been filed under Section 110 of the Cr.P.C. showing that 8 cases under Sections 107, 116 and 151 of the Cr.P.C. and 2 cases of Gambling Act are pending, therefore, based on Annexure-A/5, a show	

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आदेश पत्रक (पूर्वानुबद्ध)

कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

cause notice Annexure-A/1 was issued to the petitioner herein as to why he should not be directed to produce security along with personal bond to the tune of Rs.10,000/- each for a period of one year. In pursuance of that, the petitioner herein appeared before the Sub Divisional Magistrate. Vide order Annexure A/4 dated 13-10-2005, a preliminary order as envisaged under Section 111 of the Cr.P.C. was passed. In the meantime, the petitioner herein executed a personal bond and a surety as asked for.

No reply has been filed by the State/respondents in spite of ample opportunity given to them.

The main grievance of learned counsel for the petitioner is that order Annexure-A/4 is not in conformity with Section 111 of the Cr.P.C.. In this respect, Section 111 Cr.P.C. envisages that when a Magistrate acting under Section 107, Section 108, Section 109 or Section 110, deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required. Therefore, in view of the above provisions, when the petitioner herein appeared before the S.D.M. in pursuance of the show cause notice, S.D.M. was required to make an order in writing setting forth the substance of the information received.

Perusal of Annexure-A/4 reveals that the order impugned was not passed in conformity with Section 111 of the Cr.P.C., setting forth the substance of the information received, that what kind of information was

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AAR-BEE GRAPHICS, PACHRI PARA, DURG. 321440, 410852

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....W.P.1994.... **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

क्र.	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

received by the S.D.M. declaring the petitioner desperate and dangerous to the community. Therefore, this order is liable to be quashed.

In the circumstances, order Annexure-A/4 and any order made in pursuance of that are hereby quashed. However, S.D.M. shall be at liberty to make a fresh order in terms of Section 111 of the Cr.P.C., setting forth the substance of the information received against the petitioner.

The writ petition is disposed of accordingly.

Consequently, M.(W.)P. No.1518/2006 also stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

P.T.O.

RAPHICS, PACHRI PARA, DURG. 321440, 410852